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ATTORNEYS FOR BAWA DHILLON

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**IN RE:** § **CASE NO: 11-43153-BTR-11**  
**D & D HOSPITALITY, LLC,** § **CHAPTER 11**  
**Debtor in Possession** §

**OBJECTION TO DEBTOR'S MOTION PURSUANT TO RULE 3020(a),  
BANKRUPTCY RULES FOR DEPOSIT OF FUNDS PRIOR TO  
CONFIRMATION (Re: Docket No. 104)**

Bawa Dhillon, creditor and party in interest, files this objection to the *Motion Pursuant to Rule 3020(A), Bankruptcy Rules for Deposit of Funds Prior to Confirmation* (Docket No. 104) (the “Motion”)

1. Dhillon denies Paragraph No. 1 of the Motion. Specifically, but without limitation, Paragraph No. 1 inaccurately portrays the functioning of the proposed Plan, and the proposed Plan ultimately is not feasible.

2. Dhillon denies Paragraph No. 2 of the Motion. Specifically, but without limitation, the Debtor is incorrect in its conjecture. Absolute dollars contributed at or near the Effective Date of a plan does not automatically create a better plan or a better distribution or unsecured creditors. Ultimately it is up to the creditors voting on any competing plan to determine whether the initial capital infusion is superior to the Debtor's plan.

3. Dhillon denies Paragraph No. 3 of the Motion. Specifically, but without limitation, the Motion asks the Court to place a heavier burden upon the proponents of a competing plan than upon the Debtor itself under the Debtor's plan proposed as of February 21, 2012. The Debtor's plan imposes no such 14-day deadline upon the proposed new equity owners under the Debtor's plan. Instead, the Debtor's plan indicates that the capital contributions are due before the "Confirmation Date," which date is defined not as the date of the confirmation hearing but the date that an order confirming the plan is entered. The Debtor's plan completely omits any way for creditors to actually verify that the capital contribution is actually made and does nothing to ensure that the proposed new equity owners do anything more than simply make the relatively modest down payment that is due to the unsecured administrative convenience class.

4. Dhillon reserves the right to amend this Objection prior to a hearing on the Motion.

5. Dhillon joints any other objections to the Motion to the extent not inconsistent herewith.

WHEREFORE, Bawa Dhillon respectfully requests that the Court deny the Motion and grant to him such other and further relief to which he is entitled at law or in equity.

DATED: February 21, 2012

Respectfully submitted by:

WEYKER, KAPLAN, PULASKI & ZUBER, P.C.

By: /s/ Jeff Carruth

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 21, 2012, a true and correct copy of the foregoing has been served electronically on all registered ECF users in this case.

/s/ Jeff Carruth  
Jeff Carruth